

05/19/05 15:50 FAX 808 536 6700

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FAX TRANSMITTAL SHEET

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TO: Barbara A. Petrus, Esq. PHONE: (808) 547-5600
Anne T. Horiuchi Bell, Esq. FAX: (808) 547-5880
Goodsill Anderson Quinn & Stifel

FROM: Lynne T. T. Toyofuku, Esq. ☒ Original will be mailed
Nichole K. Shimamoto, Esq. ☐ Original will not be sent

DATE: May 19, 2005

RE: Moffett vs. SMF, CV03-00130 MLR-BMK; Trial Date: September 26, 2005

No. of pages transmitted (including cover sheet): TWO (2)
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DOCUMENTS TRANSMITTED:

My correspondence of today's date

REMARKS:

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May 19, 2005

Anne T. Horiuchi Bell, Esq.
Goodsill Anderson Quinn & Stifel
Alii Place, Suite 1800
1099 Alakea Street
Honolulu, Hawaii 96813

Via Fax to (808) 547-5880 & U.S. Mail

Re: John A. Moffett v. SMF Systems Corporation, et al.
Civil No. CV03-00130 MLR/BMK, Trial Date: September 26, 2005

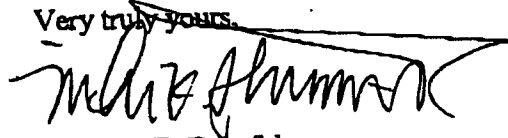
Dear Ms. Bell:

In light of Judge Real's comments during the May 17, 2005 status conference, we are requesting that Plaintiff revisit his Complaint and inform us as to his willingness to stipulate to the dismissal of certain claims and parties from this action. While Judge Real mentioned that certain claims are barred by the statute of limitations and that the IED and NIED claims should be dismissed, Defendants also are confident that most if not all claims will be subject to summary adjudication in favor of Defendants. Accordingly, Defendants intend to file a Motion for Summary Judgment.

Prior to the filing of Defendants' Motion for Summary Judgment, Defendants are willing to agree to stipulate to the dismissal of claims for which Plaintiff is willing to dismiss with prejudice. We would appreciate a response at your earliest convenience.

If you have any questions or require any additional information, please do not hesitate to contact me.

Very truly yours,



Lynne T. T. Toyofuku
Nichole K. Shimamoto

LTTT:NKS:lfs

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